

DATE: 11/18/04BY: FUM

FILED  
CLERK'S OFFICE  
IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS  
OCT 19 12 3 56

GMAC MORTGAGE CORP.,

Plaintiff,

v.

JEFFREY L. BAYKO, SR., LISA J. BAYKO,  
HELEN E. BAYKO, MICHAEL J. BAYKO,  
BANKNORTH GROUP, HANS R. HAILEY,  
CHARLES R. RONTONDI,  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE, UNITED  
STATES OF AMERICA, GARY EVANS,  
CHRISTINE ANN FARO, and JOHN AQUINO,

Defendants.

Civil No. 04-448 GAOMAGISTRATE JUDGE 1BB

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

The defendant United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully states as follows:

1. The United States of America has been named as a defendant to the civil action that is now pending in the Superior Court Department, Essex County, for the Commonwealth of Massachusetts, entitled GMAC Mortgage Corp. v. Jeffrey L. Bayko, Sr., et. al., Case No. 2004-01855-B.
2. This action is removable to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § § 1441, 1442 and/or 1444.
3. No prior removal of this action has been attempted.

- 2 -

4. The removal of this action is timely under the provisions of 28 U.S.C. §1446(b) as the United States has thirty days from the date of service to remove to federal court.

5. Copies of all pleadings received by the defendant United States in this proceeding are attached hereto.

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail on

19th November 2004

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BARBARA HEALY SMITH  
Assistant United States Attorney

Barbara Healy Smith  
BARBARA HEALY SMITH  
United States Attorney's Office  
One Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210

Lydia Bottome Turanchik  
LYDIA BOTTOME TURANCHIK  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 55  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 307-6560  
[Lydia.D.Bottome@usdoj.gov](mailto:Lydia.D.Bottome@usdoj.gov)

Service List

David Rosen  
Harmon Law Offices  
P.O. Box 610389  
Newton Highlands, Massachusetts 02461

Jeffrey L. Bayko, Sr.  
c/o Gary Evans, Esq.  
58 Main Street  
Topsfield, Massachusetts 01983

Lisa J. Bayko  
c/o Charles Rotondi, Esq.  
79 State Street  
Newburyport, Massachusetts 01950

Helen E. Bayko  
Michael J. Bayko  
c/o Timothy Sullivan, Esq.  
451 Andover Street  
Suite 185  
North Andover, Massachusetts 01845

BankNorth Group  
Post Office Box 1503  
Orleans, Massachusetts 02653

Charles Rotondi, Esq.  
79 State Street  
Newburyport, Massachusetts 01950

Hans R. Hailey  
225 Friend Street  
Boston, Massachusetts 02114

Gary Evans, Esq.  
58 Main Street  
Topsfield, Massachusetts 01983

Commonwealth of Massachusetts  
Department of Revenue  
Collections Bureau  
Post Office Box 7021  
Boston, Massachusetts 02204

Christine Ann Faro  
79 State Street  
Newburyport, Massachusetts 01950

John Aquino, Esq.  
Anderson & Aquino, LLP  
260 Franklin Street  
Boston, Massachusetts 02110

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT -  
CONTRACT - EQUITABLE RELIEF - OTHER.)

# COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT  
CIVIL ACTION  
No. 04-01855-B

CMAC Mortgage Corporation

, Plaintiff(s)

v.

Jeffrey L. Bayko, Sr., Lisa J. Bayko, Helen E. Bayko, Michael J. Bayko, Banknorth Group, Hans R. Hailey, Charles D. Rotondi, Commonwealth of Massachusetts Department of Revenue, The United States of America, Gary Evans, Christine Ann Faro and John Aquino

Defendant(s)

## SUMMONS

To the above named Defendant: The United States of America.

You are hereby summoned and required to serve upon David M. Rosen, Harmon Law Offices, P.C.

plaintiff's attorney, whose address is 150 California St., Newton, MA 02458

, an answer to the

complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the

complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Essex Superior Court either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WITNESS, SUZANNE V DeVECCHIO, Esquire, at Salem, the twenty-fifth day of October, in the year of our Lord two thousand four

  
Clerk

### NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

Commonwealth of Massachusetts  
County of Essex  
The Superior Court

CIVIL DOCKET# ESCV2004-01855-B

RE: **GMAC Mortgage Corporation v Bayko Sr et al**

TO: David M Rosen, Esquire  
Harmon Law Offices (Mark P)  
150 California Street  
PO Box 610389  
Newton Highlands, MA 02461-0389

**TRACKING ORDER - X TRACK**

You are hereby notified that this case is on the **accelerated (X) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION**

**DEADLINE**

Service of process made and return filed with the Court	01/04/2005
Response to the complaint filed (also see MRCP 12)	03/05/2005
Firm trial date set	04/04/2005
Case disposed	05/04/2005

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to session **B** sitting in **CtRm 1 (Newburyport)** at Essex Superior Court.

**Dated: 10/08/2004**

**Thomas H. Driscoll Jr.**  
Clerk of the Courts

**BY: JoDee Doyle - Sheila Gaudette**  
Assistant Clerk

**Location: CtRm 1 (Newburyport)**  
**Telephone: (978) 462-4474**

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

**FILE ACTION  
COVER SHEET**

DOCKET NO.

ESCV2004-01855

**Trial Court of Massachusetts  
Superior Court Department**  
County: Essex


Mortgage Corporation

 KEY, FIRM NAME, ADDRESS AND TELEPHONE  
 d M. Rosen, Harmon Law Offices, P.C.  
 California Street, Newton, MA 02458  
 (7) 558-0500  
 Board of Bar Overseers number: 552866

 DEFENDANT(S) Jeffrey L. Bayko, Sr., Lisa J. Bayko, Helen E.  
 Bayko, Michael J. Bayko, Banknorth Group, Hans R. Hailey,  
 Charles D. Rotondi, Comm. of MA DOR, The USA, Gary Evans,  
 Christine Ann Faro and John Aquino  
 ATTORNEY (if known)

**Origin code and track designation**

Place an x in one box only:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1. F01 Original Complaint                     | <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)                    |
| <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) | <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X) |
| <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)            | <input type="checkbox"/> 6. E10 Summary Process Appeal (X)  |

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**  
 CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

E99 Interpleader ( X ) ( ) Yes ( X ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**

(Attach additional sheets as necessary)

Documented medical expenses to date:

- |                                    |    |
|------------------------------------|----|
| 1. Total hospital expenses         | \$ |
| 2. Total Doctor expenses           | \$ |
| 3. Total chiropractic expenses     | \$ |
| 4. Total physical therapy expenses | \$ |
| 5. Total other expenses (describe) | \$ |

Subtotal \$

- |   |    |
|---|----|
| Documented lost wages and compensation to date              | \$ |
| Documented property damages to date                         | \$ |
| Reasonably anticipated future medical and hospital expenses | \$ |
| Reasonably anticipated lost wages                           | \$ |
| Other documented items of damages (describe)                | \$ |

Brief description of plaintiff's injury, including nature and extent of injury (describe) \$186,742.59

TOTAL \$186,742.59

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

Plaintiff is currently holding surplus funds that it would like to pay into Court. GMAC further requests that it be discharged from any further obligation involving this matter.

TOTAL \$186,742.59

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE: 10/5/07

**COMMONWEALTH OF MASSACHUSETTS**

**ESSEX, SS.**

**SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO. ESCV2004-01855**

**GMAC MORTGAGE CORPORATION,**

**Plaintiff,**

**v.**

**JEFFREY L. BAYKO, SR., LISA J. BAYKO,  
HELEN E. BAYKO, MICHAEL J. BAYKO,  
BANKNORTH GROUP, HANS R. HAILEY,  
CHARLES D. ROTONDI,  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE, THE  
UNITED STATES OF AMERICA, GARY  
EVANS, CHRISTINE ANN FARO, AND  
JOHN AQUINO,**

**Defendants.**

**COMPLAINT IN INTERPLEADER  
(Mortgage Foreclosure Surplus Proceeds)**

**INTRODUCTION**

This action is being brought after a foreclosure sale on a property located at 7A Graham Avenue, Newbury, MA. GMAC Mortgage Corporation, the foreclosing mortgagee, (hereinafter referred to as "GMAC") is currently holding surplus funds that it would like to pay into Court. GMAC further requests that it be discharged from any further obligation involving this matter.

In the above action, GMAC Mortgage Corporation respectfully represents:

**PARTIES**

1. The Plaintiff, GMAC, is a corporation having its usual place of business at 500 Enterprise Road, Suite 150, Horsham, PA 19044.

2. The Defendant, Jeffrey L. Bayko, Sr., is upon information and belief, an individual c/o Attorney Gary Evans, 58 Main Street, Topsfield, MA 01983.
3. The Defendant, Lisa J. Bayko, is upon information and belief, an individual c/o Attorney Charles D. Rotondi, 79 State Street, Newburyport, MA 01950.
4. The Defendants, Helen E. Bayko and Michael J. Bayko, are upon information and belief, individuals c/o Attorney Timothy Sullivan, 451 Andover Street, Suite 185, North Andover, MA 01845.
5. The Defendant, Banknorth Group, is upon information and belief, a financial institution with a last known address of P.O. Box 1503, Orleans, MA, 02653.
6. The Defendant, Hans R. Hailey, is upon information and belief, an individual with a last known address of 225 Friend Street, Boston, MA 02114.
7. The Defendant, Charles D. Rotondi, is upon information and belief, an individual with a last known address of 79 State Street, Newburyport, MA 01950.
8. The Defendant, Commonwealth of Massachusetts Department of Revenue, is upon information and belief, a state agency with a usual business address of Collections Bureau, P.O. Box 7021, Boston, MA 02204.
9. The Defendant, The United State of America, is upon information and belief, a federal agency with a usual business address of the Internal Revenue Services, P.O. Box 9112, Stop 20800, Boston, MA 02203.
10. The Defendant, Gary Evans, is upon information and belief, an individual with a last known address of 58 Main Street, Topsfield, MA 01983.
11. The Defendant, Christine Ann Faro, is upon information and belief, an individual with a last known address of 79 State Street, Newburyport, MA 01950.



12. The Defendant, John Aquino, is upon information and belief, an individual with a last known address of Anderson & Aquino, LLP, 260 Franklin Street, Boston, MA 02110.

**FACTS**

13. The Plaintiff, GMAC, was the holder by assignment of a first mortgage given by Jeffrey L. Bayko and Lisa J. Bayko to The Family Mutual Savings Bank, dated May 20, 1993 and recorded with the Essex County (Southern District) Registry of Deeds at Book 11897, Page 525, securing the real estate located at 14A Graham Avenue, Newbury, MA 01951 ("the property").
14. On March 12, 2004, GMAC foreclosed on the mortgaged property by public auction.
15. The mortgaged property was sold to a third party for \$307,500.00.
16. After satisfaction of the indebtedness to the Plaintiff, including costs of foreclosure and sale, accrued interest and late charges in the aggregate sum of \$102,757.41, there is a surplus now held by the Plaintiff in the amount of \$186,742.59. See Exhibit "A" attached hereto.
17. The following persons and entities appear of record to be all of the persons or entities having an interest in said funds held by GMAC, to wit:
  - (a) The Defendant, Jeffrey L. Bayko, Sr., is the former holder of the equity of redemption.
  - (b) The Defendant, Lisa J. Bayko, is the former holder of the equity of redemption.

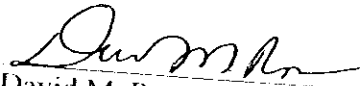
- (c) The Defendant, Banknorth Group, is the holder of a Mortgage dated April 24, 1997 and recorded April 24, 1997 in the Essex County Registry of Deeds at Book 14068, Page 475 in the original principal amount of \$15,000.00.
- (d) The Defendants, Michael J. Bayko and Helen E. Bayko, are the holders of a third mortgage dated July 19, 2002, and recorded August 12, 2002 in the Essex County Registry of Deeds at Book 21193, Page 386 in the original principal balance of \$6,300.00.
- (e) The Defendant, Hans R. Hailey, is the holder of an Attorney's Lien dated February 6, 2003 and recorded February 10, 2003 in the Essex County Registry of Deeds at Book 20139, Page 71.
- (f) The Defendant, Charles D. Rotondi, is the holder of an Attorney's Lien dated February 11, 2003 and recorded March 20, 2003 in the Essex County Registry of Deeds at Book 20391, Page 444.
- (g) The Defendant, Commonwealth of Massachusetts Department of Revenue, is the holder of a state tax lien dated and recorded on April 4, 2003 in the Essex County Registry of Deeds at Book 20521, Page 207 in the original amount of \$8,463.64.
- (h) The Defendant, The United States of America, is the holder of a federal tax lien dated May 1, 2003 and recorded on June 3, 2003 in the Essex County Registry of Deeds at Book 20949, Page 90 in the original amount of \$47,196.80. Upon information and belief, the IRS holds numerous other liens against Jeffrey L. Bayko.

- (i) The Defendant, Gary Evans, is supposed to receive \$66,000.00 to be held in escrow pursuant to the terms of a Separation Agreement dated and recorded May 24, 2002 in the Essex County Registry of Deeds at Book 21764, Page 59.
- (j) The Defendant, Christine Ann Faro, is the holder of an Attorney's Lien dated and recorded October 2, 2003 in the Essex County Registry of Deeds at Book 21911, Page 222.
- (k) The Defendant, John Aquino is a Chapter 7 Trustee who has abandoned his interest in the real estate.

**WHEREFORE**, the Plaintiff, GMAC Mortgage Corporation, prays that:

1. The said Defendants be ordered to appear and present their claims, if any, to the surplus funds;
2. That the Plaintiff be allowed its costs, expenses and attorney's fees in this Interpleader Action;
3. That the Plaintiff be permitted to pay all surplus funds held by it in the amount of \$186,742.59, less its fees and costs incurred in this Interpleader Action, into this Court;
4. That the rights of the Defendants herein named be determined by this Court as to the surplus funds paid into the Court;
5. That this action be discontinued and dismissed as to the Plaintiff, it being merely a stakeholder and having no interest in said funds; and
6. For such other and further relief as this Court deems just and proper.

**GMAC MORTGAGE CORPORATION,**  
By its Attorney,



David M. Rosen, Esquire

BBO#: 552866

Harmon Law Offices, P.C.

P.O. Box 610389

Newton Highlands, MA 02461-0389

(617) 558-0500

Dated: 10/4/07

**EXHIBIT "A"**

SUCCESSFUL BID: \$307,500.00

FUNDS OWED TO  
GMAC MORTGAGE CORP.: \$120,757.41

---

SURPLUS FUNDS: \$186,742.59

RECEIVED  
U.S. ATTORNEY  
04 OCT 26 PM 1:09

HARMON LAW OFFICES, P.C.  
P.O. BOX 610389  
NEWTON HIGHLANDS, MASSACHUSETTS 02461-0389

**CERTIFIED MAIL**

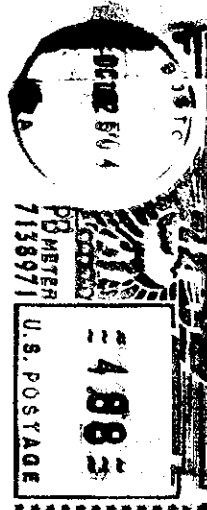
PLACE STICKER ON TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS  
FOLD AT DOTTED LINE



7140 3901 9848 7211 5A0b

RETURN RECEIPT REQUESTED

US Department of Justice  
United States Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210



JS 44 (Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>(a) PLAINTIFFS</b> GMAC Mortgage Corp.	<b>DEFENDANTS</b> Jeffrey Bayko, United States, et al.
<b>(b) County of Residence of First Listed Plaintiff</b> _____ (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed</b> _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> David Rose, Harmon Law Office P.O. Box 610389 Newton Highlands, MA 02461	<b>Attorneys (If Known)</b> Attorney for the United States Lydia Bottome Turanchik, Trial Attorney U.S. Dept. of Justice, Tax Division, P.O. Box 55 Ben Franklin Station, Washington, DC 20044

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |  |   |
|--|---|
| Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1<br>Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2<br>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1<br>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4<br>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5<br>Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
|--|---|

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 195 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC 2410

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## APPENDIX C LOCAL COVER SHEET

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) GMAC Mortgage Corp. v. Jeffrey  
Bayko, et al

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

— I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.

\*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

— III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

— IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

— V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES ☐ NO ☒

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES ☐ NO ☒

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES ☐ NO ☐

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES ☐ NO ☒7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).YES ☒ NO ☐A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?EASTERN DIVISION ☒ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

(PLEASE TYPE OR PRINT)

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